

## DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION\*

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

## EXTRACTIVE PURIFICATION OF LIPOPEPTIDE ANTIBIOTICS

and for which a patent application:

☒ is attached hereto and includes amendment(s) filed on (if applicable)

☐ was filed in the United States on as Application No. (for declaration not accompanying application)

with amendment(s) filed on (if applicable)

☐ was filed as PCT international Application No. on and was amended under PCT Article 19 on (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE
60/286,254	April 24, 2001
60/219,059	July 17, 2001
60/220,950	July 26, 2001

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
09/760,328	January 12, 2001		X	

\* for use only when the application is assigned to a company, partnership or other organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	LAST NAME Borders	FIRST NAME Donald	MIDDLE NAME B
	RESIDENCE & CITIZENSHIP	CITY Suffern	STATE OR FOREIGN COUNTRY NY	COUNTRY OF CITIZENSHIP USA
	POST OFFICE ADDRESS	STREET 13 Heatherhill Lane	CITY Suffern	STATE OR COUNTRY NY
			ZIP CODE 10901	
SIGNATURE OF INVENTOR 201 <i>Donald B. Borders</i>			DATE <i>August 27, 2001</i>	
202	FULL NAME OF INVENTOR	LAST NAME Francis	FIRST NAME Noreen	MIDDLE NAME D
	RESIDENCE & CITIZENSHIP	CITY Harriman	STATE OR FOREIGN COUNTRY NY	COUNTRY OF CITIZENSHIP USA
	POST OFFICE ADDRESS	STREET 12 Brookside Drive West	CITY Harriman	STATE OR COUNTRY NY
			ZIP CODE 10926	
SIGNATURE OF INVENTOR 202 <i>Noreen D. Francis</i>			DATE <i>August 27, 2001</i>	
203	FULL NAME OF INVENTOR	LAST NAME Fantini	FIRST NAME Amedeo	MIDDLE NAME A
	RESIDENCE & CITIZENSHIP	CITY New City	STATE OR FOREIGN COUNTRY NY	COUNTRY OF CITIZENSHIP USA
	POST OFFICE ADDRESS	STREET 2 The Glen	CITY New City	STATE OR COUNTRY NY
			ZIP CODE 10956	
SIGNATURE OF INVENTOR 203 <i>Amedeo A. Fantini</i>			DATE <i>August 27, 2001</i>	
204	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY
			ZIP CODE	
SIGNATURE OF INVENTOR 204			DATE	
205	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY
			ZIP CODE	
SIGNATURE OF INVENTOR 205			DATE	

Please type a plus sign (+) inside this box:



Express Mail No. EV336655017US

PTO/SB/81 (10-00)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>ELECTION AND POWER OF ATTORNEY OR AUTHORIZATION OF AGENT</b>	<b>Application Number</b>	09/948,374
	<b>Filing Date</b>	September 6, 2001
	<b>First Named Inventor</b>	Donald B. Borders
	<b>Group Art Unit</b>	1653
	<b>Examiner Name</b>	
	<b>Attorney Docket Number</b>	660081.425

I hereby appoint:

☒ Practitioners at Seed IP Law Group PLLC

OR

☐ Practitioner(s) named below:



Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.

OR

<input type="checkbox"/> Firm or Individual Name					
Address					
Address					
City		State		ZIP	
Country					
Telephone			Fax		

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

*Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).*

☒ As assignee of record of the entire interest I/we hereby elect, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor.

**SIGNATURE of Applicant or Assignee of Record**

<b>Name</b>	James M. DeMesa, M.D., MBA; President and CEO
<b>Signature</b>	
<b>Date</b>	16 September 2002

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any Comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

299928 [01-14-01]

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Donald B. Borders et al.Application No./Patent No.: 09/948,374Filed/Issue Date: September 6, 2001Entitled: EXTRACTIVE PURIFICATION OF LIPOPEPTIDE ANTIBIOTICSMicrologix Biotech Inc.

(Name of Assignee)

a

corporation(Type of Assignee, e.g., corporation, partnership,  
university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above.  
The assignment was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the  
current assignee as shown below:

1. From: Donald B. Borders et al.To: Biosource Pharm, Inc.The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached2. From: Biosource Pharm, Inc.To: Intrabiotics Pharmaceuticals, Inc.The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached3. From: Intrabiotics Pharmaceuticals, Inc.To: Micrologix Biotech Inc.The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.☒ Copies of assignments or other documents in the chain of title noted in B above are  
attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be  
submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records  
of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

16 September 2002  
DateJames M. DeMesa, M.D., MBA

Typed or printed name

  
SignaturePresident and CEO

Title

**ASSIGNMENT**

WHEREAS, we, **Donald B. Borders**, having the mailing address of 13 Heatherhill Lane, Suffern, New York 10901, **Noreen D. Francis**, 12 Brookside Drive West, Harriman, New York 10926, and **Amedeo A. Fantini**, having the mailing address of 2 The Glen, New City, New York 10956 (hereinafter referred to as **ASSIGNORS**), are the joint inventors of an invention entitled "EXTRACTIVE PURIFICATION OF LIPOPEPTIDE ANTIBIOTICS," as described and claimed in the specification for which an application for United States letters patent was filed on September 6, 2001 and assigned Application No. 09/948,374, which application claims the benefit of Provisional Application No. 60/286,254, filed on April 24, 2001. This application is a continuation-in-part application of U.S. Patent Application No. 09/760,328, filed January 12, 2001, which claims the benefit of Provisional Application No. 60/219,059, filed on July 17, 2000 and Provisional Application No. 60/220,950, filed July 26, 2000.

WHEREAS, BioSource Pharm, Inc. (hereinafter referred to as **ASSIGNEE**), a corporation of the State of New York having a place of business at 135 Route 59 East, Spring Valley, New York 10977 is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, **ASSIGNORS** hereby sell, assign and transfer unto said **ASSIGNEE** the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of **ASSIGNEE** and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by **ASSIGNEE** and its successors and assigns as fully and entirely as the same would have been held and enjoyed by **ASSIGNORS** had this assignment, transfer and sale not been made. **ASSIGNORS** hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to **ASSIGNEE**. **ASSIGNORS** agree to execute all instruments and documents required for the making and prosecution of applications for United

States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

Date July 17, 2002

Donald B. Borders  
Donald B. Borders

State of New York )

County of Rockland )

ss.

I certify that I know or have satisfactory evidence that Donald B. Borders is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated July 17, 2002

Signature of Notary Public Estrella C. Bazlen

Printed Name ESTRELLA C. BAZLEN

My appointment expires 10/31/2002

ESTRELLA C. BAZLEN  
Notary Public, State of New York  
4622290  
Qualified in Rockland County  
Commission Expires 10/31/02

Date July 17, 2002

Noreen D. Francis  
Noreen D. Francis

State of New York )

County of Orange )

ss.

I certify that I know or have satisfactory evidence that Noreen D. Francis is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated July 17, 2002

Signature of Notary Public Estrella C. Bazlen

Printed Name ESTRELLA C. BAZLEN

My appointment expires 10/31/2002

ESTRELLA C. BAZLEN  
Notary Public, State of New York  
4622290  
Qualified in Rockland County  
Commission Expires 10/31/02

July 17, 2002  
Date

Amedeo A. Fantini  
Amedeo A. Fantini

State of NEW YORK)  
County of ROCKLAND)

ss.

I certify that I know or have satisfactory evidence that Amedeo A. Fantini is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated July 17, 2002  
Signature of  
Notary Public Estrella C. Bazlen  
Printed Name ESTRELLA C. BAZLEN  
My appointment expires 10/31/02

ESTRELLA C. BAZLEN  
Notary Public, State of New York  
4622290  
Qualified in Rockland County  
Commission Expires 10/31/02


(JCP:Imp) 299906

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## ASSIGNMENT

Express Mail No. EV336655017US

WHEREAS, BioSource Pharm, Inc. (hereinafter referred to as ASSIGNOR), a corporation of the State of New York having a place of business at 135 Route 59 East, Spring Valley, New York 10977, is the owner of record of an invention entitled "EXTRACTIVE PURIFICATION OF LIPOPEPTIDE ANTIBIOTICS," as described and claimed in the specifications for which an applications were filed as follows:

U.S. Parent Application or PCT Parent Number	Parent Filing Date	Parent Patent Number	Attorney Docket Number
09/948,374	September 6, 2001	<i>this space intentionally left blank</i> 	660081.425
PCT/US02/00796	January 10, 2002		660081.425PC
60/286,254	April 24, 2001		660081.425P1
09/760,328	January 12, 2001		660081.424
PCT/US01/22352	July 17, 2001		660081.424PC
60/219,059	July 17, 2000		660081.424P1
60/220,950	July 26, 2000		660081.424P2

and is desirous of assigning to the Assignee its right title and interest in the invention;

WHEREAS, IntraBiotics Pharmaceuticals, Inc. (hereinafter referred to as ASSIGNEE), a corporation of the State of Delaware, having a place of business at 1245 Terra Bella Avenue, Mountain View, California 94043, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefore in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby sells, assigns and transfers unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNOR had this assignment, transfer and sale not been made. ASSIGNOR hereby authorizes and requests that any and all letters patent on said invention be issued to ASSIGNEE. ASSIGNOR agrees to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for



litigation regarding said letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

BIOSOURCE PHARM, INC.

July 19, 2002  
Date

By Donald B. Borders  
Donald B. Borders, Ph.D.  
Its President

State of New York )  
)  
County of Rockland ) SS.

I certify that I know or have satisfactory evidence that Donald B. Borders is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as the President of BioSource Pharm, Inc. to be the free and voluntary act of said corporation for the uses and purposes mentioned in the instrument.

Dated July 19, 2002  
Signature of \_\_\_\_\_  
Notary Public Estrella C. Bazlen  
Printed Name ESTRELLA C. BAZLEN  
My appointment expires 10/31/02

ESTRELLA C. BAZLEN  
Notary Public, State of New York  
4622290  
Qualified in Rockland County  
Commission Expires 10/31/02

8-12-02  
Date

INTRABIOTICS PHARMACEUTICALS, INC.  
By Ernest Mario  
Ernest Mario, Ph.D. Henry Fuchs MD  
Its ~~Chairman and CEO~~ President and COO

State of California )  
)  
County of Santa Clara ) SS.

I certify that I know or have satisfactory evidence that Ernest Mario is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as the Chairman and CEO of IntraBiotics Pharmaceuticals, Inc. to be the free and voluntary act of said corporation for the uses and purposes mentioned in the instrument.



Dated 8/12/02  
Signature of Marcia Peterson  
Notary Public \_\_\_\_\_  
Printed Name Marcia L. Peterson  
My appointment expires April 14, 2004

# COPY

Express Mail No. EV336655017US

## ASSIGNMENT

WHEREAS, IntraBiotics Pharmaceuticals, Inc. (hereinafter referred to as ASSIGNOR), a corporation of the State of Delaware, having a place of business at 1245 Terra Bella Avenue, Mountain View, California 94043, is the owner of record of an invention entitled "EXTRACTIVE PURIFICATION OF LIPOPEPTIDE ANTIBIOTICS," as described and claimed in the specifications for which an applications were filed as follows:

U.S. Parent Application or PCT Parent Number	Parent Filing Date	Attorney Docket Number
09/948,374	September 6, 2001	660081.425
PCT/US02/00796	January 10, 2002	660081.425PC
60/286,254	April 24, 2001	660081.425P1
09/760,328	January 12, 2001	660081.424
PCT/US01/22352	July 17, 2001	660081.424PC
60/219,059	July 17, 2000	660081.424P1
60/220,950	July 26, 2000	660081.424P2

and is desirous of assigning to the Assignee its right title and interest in the invention;

WHEREAS, Micrologix Biotech Inc. (hereinafter referred to as ASSIGNEE), a corporation of the Province of British Columbia, in the country of Canada, having a place of business at 3650 Wesbrook Mall, Vancouver, British Columbia V6S 2L2, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefore in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby sells, assigns and transfers unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNOR had this assignment, transfer and sale not been made. ASSIGNOR hereby authorizes and requests that any and all letters patent on said invention be issued to ASSIGNEE. ASSIGNOR agrees to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for

litigation regarding said letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

INTRABIOTICS PHARMACEUTICALS, INC.

8-20-02  
Date

By [Signature]  
Henry J. Fuchs, M.D.  
Its President and Chief Operating Officer

State of California )  
)  
County of Santa Clara )

ss.

I certify that I know or have satisfactory evidence that Henry J. Fuchs is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as the President and Chief Operating Officer of IntraBiotics Pharmaceuticals, Inc. to be the free and voluntary act of said corporation for the uses and purposes mentioned in the instrument.

Dated August 20, 2002  
Signature of [Signature]  
Notary Public [Signature]  
Printed Name Marcia L. Peterson  
My appointment expires April 14, 2004



MICROLOGIX BIOTECH INC.

September 16, 2002  
Date

By [Signature]  
James M. DeMesa, M.D., MBA  
Its President and CEO

Province of British Columbia )  
)  
Country of Canada )

ss.

I certify that I know or have satisfactory evidence that James M. DeMesa is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as the President and CEO of Micrologix Biotech Inc. to be the free and voluntary act of said corporation for the uses and purposes mentioned in the instrument.

Dated Sept. 16, 2002  
Signature of [Signature]  
Notary Public [Signature]  
Printed Name GERRIT J. TE HENNEPE  
My appointment expires/ does not

**GERRIT J. TE HENNEPE**  
NOTARY PUBLIC  
203 - 4545 WEST 10TH AVENUE  
VANCOUVER, B.C. V6R 4N2